

BOARD OF ZONING APPEALS MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

July 13, 2006 - 7:30 P.M. – Council Chambers - Town Hall

CALL TO ORDER

ROLL CALL

AGENDA ADOPTION:

-
1. Approval of minutes of June 8, 2006
 2. Appeal 06-07-1. Obrecht-Phoenix, Variance to construct a 6' chain link fence around construction project on Main Street at the Captain Fish property.

ADJOURN:

MINUTES OF THE June 8, 2006 MEETING OF THE CHINCOTEAGUE BOARD OF ZONING APPEALS

Members Present:

Mr. Myron Birch
Mr. Robert Cherrix
Mr. Donald Thornton
Mr. Jesse Speidel
Mr. Arthur Leonard
Mr. Jack Gillis
Mr. Kenny Lewis, Staff Support

Members Absent:

Mr. Mike McGee

1. Call to Order.

Chairman Birch called the meeting to order at 7:30 p.m.

2. Approval of May 11, 2006 Minutes.

Mr. Leonard motioned, seconded by Mr. Speidel to approve the minutes as presented.
All in favor. Motion Carried.

3. Appeal 06-06-1.

A request from William Cherrix and Herbert Daisey, Parcels 30A2-A-145 & 177 Ridge Road, for a variance from Article 3, Section 3.9.1.1 of the Town of Chincoteague's Zoning Ordinance. The petitioner has relocated property lines on the above parcels. Current zoning prohibits a property owner making a non-confirming lot more non-confirming. The relocation of the property lines would lessen the area in the non-confirming lot by 386 square feet. This property is zoned Residential District R-3.

4. Petitioner's Comments.

Mr. David Bodley, Attorney for Mr. Cherrix and Mr. Daisey, asked if everyone had a copy of the plat that was submitted with the packet. Mr. Bodley explained the plat and stated that his clients are requesting to move the property line for parking purposes. He stated that the parties would like to exchange lot sizes, which would increase the non-conformity of the lot. Mr. Bodley stated that this issue came up because of refinancing. He added that Mr. Cherrix did not have direct access to a public road.

Mr. Thornton stated that the problem is over 360 square feet. Building and Zoning Administrator Lewis advised that the problem is in switching lot sizes. He asked if Mr. Cherrix were to give over 300 feet to Mr. Daisey would it be approved. Building and Zoning Administrator Lewis advised that if they were to exchange an equal square footage of land there would be no problem, but to make a non-confirming lot more non-confirming would not be approved. He also added that if he were to move the line further back it would create a zoning violation on the setback of the trailer. Building and Zoning Administrator Lewis also stated that if they would move the line back 10 feet the setback would be affected and they would have to reapply for the setback variance.

Mr. Thornton asked if the trailers would be grandfathered. Building and Zoning Administrator Lewis advised they would be grandfathered as they currently are. He also asked how many square feet Mr. Daisey's lot would be. Mr. Bodley advised they don't have the dimensions of the lot across the street, but would be less than the necessary 10,500 square feet.

Mr. Speidel asked if they could stipulate that there be nothing built on this more non-conforming lot. Building and Zoning Administrator Lewis advised that the state law will not allow denial of the use of property.

Mr. Bodley stated that by looking at the 3 main reasons for requesting a variance it would qualify. He stated that the hardship is that Mr. Cherrix does not have direct access to Ridge Road and Mr. Daisey does not have enough parking. He feels that this makes the best use of both properties.

Mr. Speidel stated that in the second element there are other adjoining property owners in the vicinity who would want this same request. Mr. Bodley agreed that this is common to these two property owners but not common to the neighborhood. He added that it doesn't give the property owners an unfair advantage. The Board reviewed the plat once again.

Chairman Birch closed the public session.

5. Board Action on Appeal.

Mr. Speidel stated that after the change the small lot will still be small. Mr. Leonard doesn't see a problem with it.

Mr. Thornton feels that by allowing this, the lots would be squared. Mr. Cherrix stated that it would make a better situation for both property owners.

Mr. Speidel also feels that it won't be any more detrimental to the lot.

Mr. Leonard motioned, seconded by Mr. Thornton to approve the request. All in favor. Motion carried.

6. Appeal 06-06-2.

A request from Robert and Jonathan Conner, 7837 Eastside Road, for a variance from Article 3, Section 3.9.1 (1) and 3.9.1 (2) and a special use permit from Article 2, Section 2.89 of the Town of Chincoteague's Zoning Ordinance. The petitioner wishes to place a second dwelling on said lot. The minimum lot size for two dwelling units is 13,500 square feet. The existing parcel is 11,120 square feet in area. Zoning also requires the two units to be attached. The new structure will be located 45 feet from the front structure. The use of two main uses on a residential parcel requires approval by a special use permit. This property is zoned Residential District R-3.

7. Petitioner's Comments.

Mr. Jonathan Conner explained the history of the property. He stated that a mobile home was placed on the back lot for his maternal grandfather and wife to help care for his aunt that lived in the front house. He also added that his grandfather has lifetime rights to the property. Mr. Conner stated that his aunt died and his father inherited the property and gave him the back lot. He stated that he is asking for a special use permit to build his house on the same lot with the mobile home until something happens to his grandfather at which time the mobile home can be removed.

Mr. Gillis asked about the size of the mobile home. Mr. Conner was unsure. Mr. Speidel asked if the house would meet all setbacks once the mobile home is removed. Mr. Conner stated that all setbacks would meet requirements.

Mr. Thornton asked what would happen to Mr. Aycock's wife should anything happen to him. Mr. Conner advised that Mr. Aycock is the only one with lifetime rights and Mrs. Aycock would then move with her daughters and the mobile home would then be removed.

Mr. Cherrix asked if Mrs. Graham's house is on a separate parcel. Mr. Conner advised it is.

Mr. Gillis asked if the removal of the mobile home is written in a will. Mr. Conner stated that he believes that legal documentation has been done. Mr. Speidel stated that the Board can make that a condition. He asked Mr. Conner about the septic. Mr. Conner stated that there is septic for the mobile home and he is in the process of obtaining permits for the septic. Mr. Speidel added that if Mr. Conner cannot obtain the Health Department approval for the septic then the house cannot be built.

Mr. Thornton asked what the hardship is.

Mr. Conner stated that he can't move on with his life and start a mortgage at a young age. He also stated that he doesn't want to have to move his elderly grandfather to another location because of the lack of funds.

Chairman Birch asked if there was one mobile home and Mr. Conner advised it was.

Mr. Gillis asked about the lifetime rights, and stated that if Mr. Aycock is moved into a nursing home they can force the rental of the property.

Mr. Thornton stated that they can stipulate that if Mr. Aycock is placed in a nursing home or at his death the mobile home must be removed.

Mr. Gillis asked how long Mr. Aycock has been at this property. Mr. Conner advised he has been there 18 years. Mr. Gillis stated that Mr. Aycock may have exhausted his lifetime rights. Mr. Gillis asked who is named on the title of the mobile home. Mr. Conner advised that Mr. and Mrs. Aycock are listed on the title.

Mr. Thornton stated that the Board has issued a special use permit in the past for a hardship. He feels this is a hardship also.

Mr. David Wayne Hudgins stated that Attorney Gerald West has drawn up the specific documentation of the lifetime rights.

Mrs. Mollie Cherrix asked about Mr. Conner's hardship.

Mr. Gillis stated that all the interest rates are rising. Mr. Thornton added that we're trying to keep the young Chincoteaguers on the Island. He stated that with the price of property it would be hard for a young person to purchase and build. He feels that with this property he has the opportunity to build his home. He also added that he should be given the stipulation of the removal of the mobile home after something happens to his grandfather at which time he will be within compliance.

Mr. Gillis stated that Mr. Conner has inherited a piece of property and wouldn't be able to do anything on this property without the special use.

Mr. Speidel stated that a special use involves the surrounding area. He stated that the mobile home that is currently there doesn't look as appealing as a new home. He also added that when the mobile home is removed the house will be adding to the community. Mr. Speidel stated that a young man that grew up and works on Chincoteague has to do with the human side, and the Board can bend the law for a temporary use and satisfy their agenda as well and is a good thing.

Chairman Birch closed the public session.

8. Board Action on Appeal.

Mr. Cherrix feels that the Board could stipulate that for whatever reason Mr. Aycock leaves the mobile home, Mr. Conner has 6 months to remove the mobile home.

Mr. Thornton asked the Chairman of the Planning Commission if they have reviewed this matter and had any recommendations. Chairman Rosenberger advised they had none.

Mr. Speidel feels that substantial justice will be done in the approval of this case and it will be an asset to the neighborhood as a greater tax-base on Chincoteague.

Mr. Thornton motioned, seconded by Mr. Gillis to approve the request stipulating that the mobile home or double wide is to be removed within 6 months after Mr. Aycock vacates the mobile home for whatever reason (death, relocates or goes to a nursing home) and it will be up to Mr. Conner to advise of this matter. Unanimously approved. Motion carried.

9. Election of Officers.

Mr. Speidel motioned, seconded by Mr. Gillis to nominate Mr. Leonard for the position of Chairman. All in favor. Motion Carried.

Mr. Leonard motioned, seconded by Mr. Cherrix to nominate Mr. Speidel for the position of Vice-Chairman. All in favor. Motion Carried.

Mr. Cherrix requested that Building and Zoning Administrator Lewis include the GIS photos in the BZA packets. He advised that he would.

Mr. Speidel feels that one part of the application is confusing regarding substantial justice being done and intended spirits. Building and Zoning Administrator Lewis advised that the courts have ruled that it remain this way.

There was further discussion about the requirements from the applicant which shouldn't fall on the Town or Board to supply the appropriate documentation.

Mr. Speidel and Mr. Cherrix both agree that they don't have to be professional plot plans, but should be somewhat accurate.

Mr. Speidel stated that in the by-laws they do have the right to postpone the decision for another month for more information.

Building and Zoning Administrator Lewis stated that when the application is submitted they don't always give more detailed plots. Mr. Thornton stated that the Board can advise the applicant that they don't have enough information to base their decisions and request more information for the next meeting.

Mr. Thornton asked about the status of the letter to the Town Council concerning the 25' setback from a right-of-way. Building and Zoning Administrator Lewis stated that he believed that the Board was to get the letter to him to forward to Council, but will take care of it.

Building and Zoning Administrator Lewis explained that in the past, if there was an easement, the setback could be included in the easement, but if it was a right-of-way the setback had to be off the right-of-way. He stated that both parties' attorneys in this matter agreed that the building should be 25' on either an easement or right-of-way. He also added that this is partly for emergency vehicular traffic.

Mr. Speidel stated that they would like to make a recommendation to consider making it less.

There was further discussion of the reasons for the setbacks and controlling future problems with easements versus right-of-ways.

10. Adjournment.

Mr. Leonard motioned, seconded by Mr. Speidel to adjourn the meeting. All in favor.

Building and Zoning Administrator Lewis introduced the new Town Manager, Mr. Rob Ritter.

Myron Birch, Chairman

June 20, 2006

Eastern Shore Post
P.O. Box 318
Tasley, VA 23441

Dear Sirs:

The Town of Chincoteague request the following notice of public hearing be published in the Eastern Shore Post on Wednesday June 28, 2006 and Wednesday July 5, 2006:

Public Notice

The Board of Zoning Appeals of the Town of Chincoteague will hold a public hearing on July 13, 2006 at 7:30 p.m. in the Council Chambers located at 6150 Community Drive to receive public comments and views on the following zoning matters:

Appeal 06-07-01 A request from Obrecht-Phoenix, Parcels 30A3-A-1 & 1A, Main Street, for a variance from Article 4, section 4.4.39.1,2,3 of the Town of Chincoteague's Zoning Ordinance. The petitioner has placed a six foot chain link fence on his property forward of the main structure. Current zoning prohibits such a fence to exceed 4 feet in height. This property is zoned Commercial District C-2.

Kenny L. Lewis
Zoning Administrator

DEADLINE
6/19/06

CHINCOTEAGUE, VIRGINIA APPEAL TO THE BOARD OF ZONING APPEALS

APPEAL CASE NUMBER: _____

FEE: \$ 450.00

I, Mike Swirsko _____,

AGENT FOR Obrecht-Phoenix WOULD LIKE TO FILE THE
FOLLOWING APPEAL WITH THE BOARD OF ZONING APPEALS BASED UPON THE NOTED
STATE CODE(S):

TITLE 15.2, CODE OF VIRGINIA, 1959 (AS AMENDED)

(CHECK ALL THAT APPLY)

1. ☐ AN APPEAL OF AN OFFICER, REQUIREMENT, DECISION OR DETERMINATION
OF AN ADMINISTRATIVE OFFICER.
2. ☐ AN APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR.
- ☐ AN INTERPRETATION OF THE DISTRICT ZONING MAP, IN THAT THERE IS AN
UNCERTAINTY AS TO THE LOCATION OF A DISTRICT BOUNDARY.
4. ☒ AN APPEAL FOR A VARIANCE. THE APPLICANT IS REQUIRED TO SHOW THAT
A LAND USE HARDSHIP EXIST. SEE ATTACHED EXAMPLE SHEET FOR
HARDSHIP CRITERIA.
5. ☐ AN APPEAL FOR A VARIANCE OF THE FLOOD PLAIN MANAGEMENT
ORDINANCE

BOARD OF ZONING APPEALS USE ONLY:

MEETING DATE: 7/13/06

APPEAL ACTION:

☐ APPROVED

☐ DENIED

☐ CONDITIONAL: _____

BZA, SECRETARY

DATE: _____

(1.) RULES AND REGULATIONS TO FILE FOR APPEAL:

- (A).** APPLICANTS OR THEIR AGENTS SHALL NOT CONTACT ANY BOARD MEMBER TO DISCUSS THE CASE PRIOR TO THE SCHEDULED PUBLIC HEARING OF THEIR APPEAL.
- (B).** FAILURE OF APPLICANT OR AGENT TO APPEAR BEFORE THE BOARD MAY BE REASON FOR DENIAL.
- (C).** APPLICANT MUST POST APPEAL NOTICE FURNISHED BY THE ZONING ADMINISTRATOR ON SAID PROPERTY, VISIBLE FROM THE STREET.
- (D).** APPLICANT SHALL SUBMIT A PLOT PLAN, TO SCALE, OF THE SAID PROPERTY IDENTIFYING THE FOLLOWING:
1. ALL EXISTING STRUCTURES LOCATED ON SAID PROPERTY.
 2. PROPOSED NEW STRUCTURES.
 3. SETBACKS FROM FRONT, SIDES AND REAR PROPERTY LINES.
 4. LOCATION OF EXISTING SEPTIC, DRAIN FIELDS OR CESSPOOLS.
 5. LOCATION OF EASEMENTS, RIGHT-OF-WAYS AND PUBLIC ROADS THAT ADJOIN OR ENTER SAID PROPERTY.
- (E).** THE CHINCOTEAGUE BOARD OF ZONING APPEALS HAS SEVEN (7) MEMBERS. TO OBTAIN APPROVAL FOR A VARIANCE OR SPECIAL USE PERMIT, FOUR (4) MEMBERS MUST VOTE IN YOUR FAVOR.
- (F).** ANY DECISION OF THE BOARD OF ZONING APPEALS MAY BE APPEALED TO THE CIRCUIT COURT OF ACCOMACK COUNTY WITHIN 30 DAYS OF RECEIPT OF THE DECISION MADE.
- (G).** THE BZA MAY IMPOSE SUCH CONDITIONS REGARDING THE LOCATION, CHARACTER AND OTHER FEATURES OF THE PROPOSED STRUCTURE OR USE AS IT MAY DEEM NECESSARY IN THE PUBLIC INTEREST.

(2.) NOTIFICATION OF PROPERTY OWNERS:

ALL APPLICATIONS SHALL BE ACCOMPANIED BY WRITTEN COMMENTS FROM OWNERS OF REAL ESTATE AS FOLLOWS:

(A). VARIANCE:

APPLICANTS SHALL SUBMIT WRITTEN COMMENTS FROM ALL ADJOINING PROPERTY OWNERS INCLUDING THE PROPERTY OWNERS ACROSS THE STREET(S) OR ACROSS BODIES OF WATERS ADJACENT TO OR DIVIDING TWO PROPERTIES. THE BZA MAY REQUIRE THE APPLICANT TO SUBMIT WRITTEN COMMENTS FROM ADDITIONAL PROPERTY OWNERS.

(B). WRITTEN NOTIFICATION OF APPEAL:

PROPERTY OWNERS NOT AVAILABLE FOR WRITTEN COMMENT SHALL BE NOTIFIED OF THE PROPOSED REQUEST BY CERTIFIED MAIL.

A COPY OF THE REGISTERED MAIL AND THE CERTIFIED MAIL RECEIPT MUST BE SUBMITTED AT THE TIME OF FILING THE APPEAL.

RETURN RECEIPT OF THE CERTIFIED MAIL MUST BE GIVEN TO THE ZONING ADMINISTRATOR A MINIMUM OF 5 DAYS PRIOR TO THE MEETING DATE.

PLEASE PRINT

THE PROPERTY IN WHICH THIS APPEAL IS SUBMITTED IS LOCATED AT (911 ADDRESS)
_____, TAX MAP # 30A3-A-1, 1A

THIS PROPERTY IS OWNED BY:

NAME: Sunset Bay Villas, L.L.C.

ADDRESS: 112 Lakefront Dr

CITY, STATE, ZIP: Hunt Valley MD 21030

PHONE: 757 336 1703

WORK PHONE: 410 785 8406

HAS ANY PREVIOUS APPLICATION OR APPEAL BEEN FILED IN CONNECTION WITH THESE PREMISES?

☒ NO

☐ YES, EXPLAIN; _____

IS THIS APPEAL FILED DUE TO A ZONING VIOLATION IDENTIFIED BY THE ZONING ADMINISTRATOR?

☐ NO

☒ YES, IF THE VIOLATION HAS NOT BEEN CORRECTED,
EXPLAIN WHY: Safety

ARTICLE(S) AND SECTION(S) THAT APPLIES TO YOUR APPEAL:

(1.) ARTICLE: 4 SECTION: 4.4.39.1 & 2 & 3
REQUIRES: FENCE shall NOT EXCEED 4' in height
REASON FOR YOUR APPEAL: _____

(2.) ARTICLE: _____ SECTION: _____
REQUIRES: _____
REASON FOR YOUR APPEAL: _____

(3.) ARTICLE: _____ SECTION: _____
REQUIRES: _____
REASON FOR YOUR APPEAL: _____

GUIDELINES USED BY THE BOARD OF ZONING APPEALS IN GRANTING A VARIANCE

In order for the Board of Zoning Appeals to review your request for a variance, the threshold question for the BZA in considering an application for a variance "is whether the effect of the zoning ordinance upon the property under consideration, as it stands, interferes with all reasonable beneficial uses of the property, taken as a whole". If the answer is in the negative, the BZA has no authority to go further.

☒ (X) yes

☐ () no

Please answer the following questions:

(1). Does the strict application of the ordinance result in unnecessary or unreasonable hardship to the property owner?

☒ (X) yes, Explain;

Obrecht-Phoenix Contractors loses the ability keep passer-byes safe
: sepearate from construction, and deter theft.

☐ () no

(2). Is the need for the variance shared generally by other properties?

☒ (X) yes, Explain;

We need to delineate the boundary of construction from the
parking lot Capt. Fish.

☐ () no

(3). Is the variance contrary to the intended spirit and purpose of the ordinance, and would result in substantial justice being done.?

☐ () yes, Explain;

☒ (X) no

of the above questions must be answered. Failure to complete the above questions shall
result in your application not being processed.

Example letter

June 13, 2006

CERTIFIED MAIL

Dear Neighbor:

This notice is to advise you that I will be appearing before the Chincoteague Board of Zoning Appeals to request a variance from Article 4 section 4.4.39.1,2,3 of the Town's Zoning Ordinance.

I have constructed a six foot chain link fence along my property located at Tax Map # 30A3-A-1 & 1A, (Capt'n Fish's) on Main Street.

The placement of the fence is for safety purposes Current zoning prohibits this type of fence to exceed 4' in height.

As a property owner adjoining my parcel, the Board of Zoning Appeals requires that you be notified of this request.

Please complete the enclosed notification form and return it to: Kenny L. Lewis, Zoning Administrator, Town of Chincoteague, 6150 Community Drive, Chincoteague Island VA 23336.

The meeting will be held on July 13, 2006 at 7:30 p.m. in the Council chambers located at the above address.

You may contact me at _____ or Kenny L. Lewis, Zoning Administrator for the Town of Chincoteague at 757-336-6519 if you have any questions or concerns regarding this matter.

Your attention in responding to this request is appreciated.

Sincerely,

William Cherrix

LEASE INDICATE YOUR APPROVAL OR DISAPPROVAL OF THE PROPOSED LAND USE AS STATED IN THE APPLICATION BY CHECKING THE APPROPRIATE SPACE. SPECIFY THE LOCATION OF YOUR PROPERTY; NORTH, EAST, SOUTH OR WEST OF THE APPLICANTS PROPERTY.

TAX MAP #	<u>30A5-A-619</u>	LOCATION OF PROPERTY	<u>North</u>
NAME:	<u>PAUL SCHWENGELS</u>		
ADDRESS:	<u>7204 Maple AVE. TAKOMA PARK Md</u>	PHONE:	<u>20912</u>
COMMENTS:			
<input type="checkbox"/> APPROVE REQUEST		<input type="checkbox"/> DISAPPROVE REQUEST	
SIGNATURE:			DATE:

TAX MAP #	<u>30A5-A-457</u>	LOCATION OF PROPERTY	<u>EAST</u>
NAME:	<u>Leslie & Beverly Fleming</u>		
ADDRESS:	<u>3860 MAIN ST Chincoteague</u>	PHONE:	
COMMENTS:			
<input type="checkbox"/> APPROVE REQUEST		<input type="checkbox"/> DISAPPROVE REQUEST	
SIGNATURE:			DATE:

TAX MAP #	<u>30A3-A-3</u>	LOCATION OF PROPERTY	<u>South</u>
NAME:	<u>PAUL SLIVKA</u>		
ADDRESS:	<u>2008 BENJAMIN ST Nashville TN</u>	PHONE:	<u>37206</u>
COMMENTS:			
<input type="checkbox"/> APPROVE REQUEST		<input type="checkbox"/> DISAPPROVE REQUEST	
SIGNATURE:			DATE:

TAX MAP # 30A3-A-5 LOCATION OF PROPERTY South
NAME: Louis Lawson
ADDRESS: 6294 Mumford ST Chincoteague ^{VA} PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A3-A-7 LOCATION OF PROPERTY South
NAME: John Stephenson
ADDRESS: 3837 MAIN ST Chincoteague PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A3-A-9,8A,10 LOCATION OF PROPERTY _____
NAME: U.S. COAST GUARD
ADDRESS: _____ PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A5-A-614 LOCATION OF PROPERTY EAST
NAME: Perry Harker
ADDRESS: 16 PENNSYLVANIA AVE Walkersville ^{MD 21793} PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A5-A-615 LOCATION OF PROPERTY EAST
NAME: JAY Wesley Jeffries
ADDRESS: MAIN ST Chinleogue PHONE: _____
COMMENTS: _____
☐) APPROVE REQUEST ☐) DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A5-A-413 LOCATION OF PROPERTY EAST
NAME: DANUTA EMERY, c/o DANUTA BRZEZINSKA
ADDRESS: 510 N. ST. SW N-422 Washington DC 20024 PHONE: _____
COMMENTS: _____
☐) APPROVE REQUEST ☐) DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A5-A-521 LOCATION OF PROPERTY EAST
NAME: PAUL Goldbars
ADDRESS: 6 Riveria CT Silver Spring MD 20909 PHONE: _____
COMMENTS: _____
☐) APPROVE REQUEST ☐) DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A3-A-203 LOCATION OF PROPERTY EAST
NAME: DONNA & JEFF MERKLE
ADDRESS: 12803 FANTASIA DR HERNDON VA 20170 PHONE: _____
COMMENTS: _____
☒) APPROVE REQUEST ☐) DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____



Obrecht – Phoenix

CONTRACTORS, INC.

US Coast Guard
3823 Main Street
Chincoteague, Virginia 23336

Dear Base Commander,

June 15, 2006

This notice is to advise you that I will be appearing before the Chincoteague Board of Zoning Appeals to request a variance from Article 4 section 4.4.39.1,2,3 of the Town's Zoning Ordinance.

I have constructed a six foot chain link fence along my property, located at Tax Map #30A3-A-1 & 1A, (Capt'n Fish's) on Main Street.

The placement of this fence is for safety purposes, and safety is a top priority for all Obrecht-Phoenix projects. It is our intention to keep the community, at large, safe when ever possible. To date, we have had over two dozen incidents where tourists have wandered across the job site to get a better look at the construction, and we have found children playing on dirt piles and stored materials. We consider all of these individuals to be at risk and would like to avoid any and all injuries or fatalities. We also believe that this fence will help limit theft. Current zoning prohibits this type of fence to exceed 4' in height, which is the height that we first constructed. Unfortunately, because of the before mentioned issues we have faced, we then replaced it with the current 6' high fence.

As a property owner adjoining my parcel, the Board of Zoning Appeals requires that you be notified of this request.

Please complete the enclosed notification form and return it to: Kenny L. Lewis, Zoning Administrator, Town of Chincoteague, 6150 Community Drive, Chincoteague, Virginia 23336.

The meeting will be held on July 13, 2006 at 7:30 p.m. in the Council chambers located at the above address.

You may contact me at 757-336-1703 or Kenny L. Lewis, Zoning Administrator for the Town of Chincoteague, at 757-336-6519 if you have any questions or concerns regarding this matter.

Your attention in responding to this request is appreciated.

Sincerely,

Mike Svirsko

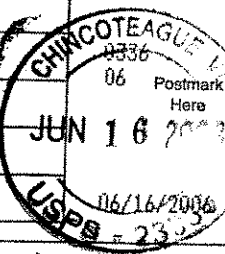
3883 South Main Street • Chincoteague, Virginia 23336
Phone 757-336-1703 • Fax 757-336-1704
General Contractors • Construction Managers

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

WALKERSVILLE MD 21793

Postage	\$ \$0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88



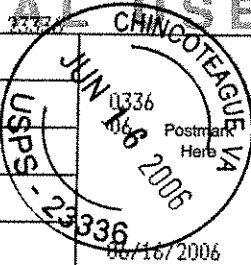
Sent To **Perry Harley**
Street, Apt. No.,
or PO Box No. **16 Pennsylvania Ave.**
City, State, ZIP+4[®]

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CHINCOTEAGUE ISLAND VA 23336

Postage	\$ \$0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88



Sent To **Chris Lawson**
Street, Apt. No.,
or PO Box No. **6294 Mumford St.**
City, State, ZIP+4[®] **Chincoteague, VA 23336**

PS Form 3800, June 2002

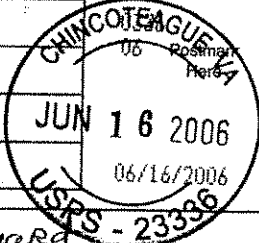
See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CHINCOTEAGUE ISLAND VA 23336

Postage	\$ \$0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88



Sent To **US Coast Guard**
Street, Apt. No.,
or PO Box No. **3823 main St.**
City, State, ZIP+4[®] **Chincoteague, VA 23336**

PS Form 3800, June 2002

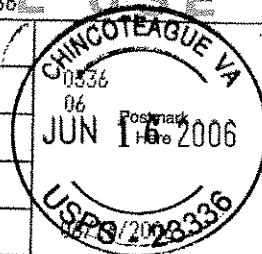
See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CHINCOTEAGUE ISLAND VA 23336

Postage	\$ \$0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88



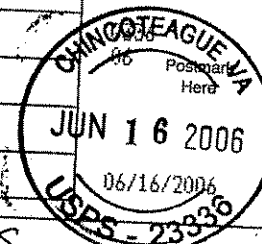
Sent To **Jay Wesley Jeffries**
Street, Apt. No.,
or PO Box No. **3877 main St.**
City, State, ZIP+4[®] **Chincoteague, VA 23336**

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CHINCOTEAGUE ISLAND VA 23336

Postage	\$ \$0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88



Sent To **John Stephens**
Street, Apt. No.,
or PO Box No. **3837 main St**
City, State, ZIP+4[®] **Chincoteague, VA 23336**

PS Form 3800, June 2002

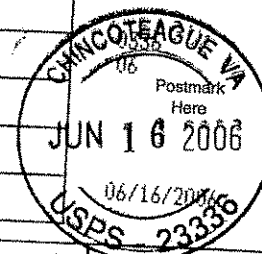
See Reverse for Instructions

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

HERNDON VA 20170

Postage	\$ \$0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88



Sent To **Donna & Jeff merkle**
Street, Apt. No.,
or PO Box No. **12803 Fautasia Dr.**
City, State, ZIP+4[®] **Herndon, VA 20170**

PS Form 3800, June 2002

See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

SILVER SPRING MD 20904

Postage	\$ 0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88

CHINCOTEAGUE VA 0336 06 Postmark Here JUN 16 2006

Sent To Paul Goldbers
 Street, Apt. No., or PO Box No. 6 Riveria Ct
 City, State, ZIP+4 Silver Spring, MD 20904

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

TAKOMA PARK MD 20912

Postage	\$ 0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88

CHINCOTEAGUE VA 0336 06 Postmark Here JUN 16 2006

Sent To Paul Schwengels
 Street, Apt. No., or PO Box No. 1204 Maple Ave
 City, State, ZIP+4 Takoma Park, MD 20912

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

WASHINGTON DC 20004

Postage	\$ 0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88

CHINCOTEAGUE VA 0336 06 Postmark Here JUN 16 2006

Sent To Danuta Emery
 Street, Apt. No., or PO Box No. 570 N St. SW N-420
 City, State, ZIP+4 Washington, DC 20024

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

NASHVILLE TN 37206

Postage	\$ 0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88

CHINCOTEAGUE VA 0336 06 Postmark Here JUN 16 2006

Sent To Paul Shirk
 Street, Apt. No., or PO Box No. 2008 Benjamin St.
 City, State, ZIP+4 Nashville, TN 37206

PS Form 3800, June 2002 See Reverse for Instructions

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

CHINCOTEAGUE ISLAND VA 23334

Postage	\$ 0.63
Certified Fee	\$2.40
Return Receipt Fee (Endorsement Required)	\$1.85
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ \$4.88

CHINCOTEAGUE VA 0336 06 Postmark Here JUN 16 2006

Sent To Leslie & Beverly Fleming
 Street, Apt. No., or PO Box No. 3860 Main St.
 City, State, ZIP+4 Chincoteague, VA 23336

PS Form 3800, June 2002 See Reverse for Instructions

TAX MAP # 30A5-A-615 LOCATION OF PROPERTY EAST
NAME: JAY Wesley Jeffries
ADDRESS: MAIN ST CHINCOTEAGUE PHONE: _____
COMMENTS: ABSOLUTE NECESSITY FOR PUBLIC SAFETY
☒ APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: JW Jeffries DATE: 06-19-06

TAX MAP # 30A5-A-613 LOCATION OF PROPERTY EAST
NAME: DANUTA EMERY, 9/6 DANUTA BRZEZINSKA
ADDRESS: 510 N. ST. SW N-422 Washington DC 20024 PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A5-A-521 LOCATION OF PROPERTY EAST
NAME: Paul Goldbars
ADDRESS: 6 Riveria CT Silver Spring MD 20904 PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____

TAX MAP # 30A3-A-203 LOCATION OF PROPERTY EAST
NAME: DONNA & JEFF MERKLE
ADDRESS: 12803 FANTASIA DR HERNDON VA 20170 PHONE: _____
COMMENTS: _____
() APPROVE REQUEST () DISAPPROVE REQUEST
SIGNATURE: _____ DATE: _____